

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

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In re:	§	
	§	CHAPTER 11
ESCO MARINE, INC.¹	§	
	§	
	§	CASE NO. 15-20107
Debtors.	§	
	§	
	§	
<hr/>	§	(Joint Administration Pending)

**DEBTOR'S MOTION AND REQUEST FOR EXPEDITED SETTING CONCERNING
EMERGENCY FIRST DAY MOTIONS**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

AN EMERGENCY TELEPHONIC HEARING IS REQUESTED FOR MARCH 10, 2015 at 2:00 P.M. CST. INSTRUCTIONS FOR A TELEPHONIC HEARING ARE ENCLOSED WITH THIS GROUP OF MOTIONS.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

NOW COMES The Debtor and debtor-in-possession ("Debtors"), and file this Motion and Request for an Expedited Setting Concerning Emergency First Day Matters, which has been filed

¹The Debtors also include ESCO Metals, LLC; ESCO Shredding, LLC; Texas Best Recycling, LLC, and Texas Best Equipment, LLC. The corporate address for all debtors is 16200 Joe Garza Sr, Road, Brownsville, Texas 72521. Joint administration under the above style and case number has been ordered by the United States Bankruptcy Court on March ____, 2015. The use of the term "Debtor" shall refer to all debtors.

before the Court with a request for an immediate hearing on minimal notice, and would respectfully show the Court as follows:

1. On March 7, 2015, the above-styled and numbered Debtors filed petitions under Chapter 11 of Title 11 of the United States Bankruptcy Code. The Debtor remains a debtor-in-possession, no order converting these cases or appointing a trustee having been entered. A Motion for Joint Administration has been filed.

2. The Debtors request the Court to conduct an expedited hearing on the following Motions, each of which has been filed as “first day motion”:

- a. Application for Approval of the Employment of Langley & Banack, Inc. as Attorneys for the Debtor
- b. Motion of Debtor Pursuant to Bankruptcy Code Sections 105(a) and 331 for Administrative Order Establishing Interim Compensation Procedures
- c. Debtor’s Emergency Motion for Order Under 11 U.S.C. §§ 105(a) and 366(I) Prohibiting Utility Companies from Altering or Discontinuing Service on Account of Pre-Petition Invoices, (II) Approving Deposit as Adequate Assurance of Payment, Assurance of Payment Requests
- d. Motion to Limit Service and Establishing Notice Procedures
- e. Application of Debtor for Authorization to use Cash Collateral.

3. The Debtor intends to request the Court to consider the above-listed first day motions on an expedited basis in order to address the Debtor’s critical needs for post-petition cash collateral usage, and all other relief requested in the above motions.

4. The Debtor would show that each of these motions is crucial and essential for the smooth transition into the status of Debtor-in-Possession in the continuing operation of the Debtor.

5. The Debtor plans to employ its small work force and administration staff. The valued business operations need utilities, and insurance.

6. The Debtor has caused a copy of this Motion to be served upon (i) the proposed Limited Service List, which includes certain prepetition lenders, known counsel and the consolidated

list of the top twenty (20) largest unsecured creditors; (ii) the United States Trustee (iii) the Internal Revenue Service, (iv) the United States Attorney; and (v) those persons who have formally appeared in this Case and requested service pursuant to Bankruptcy Rule 2002; and (vi) all other applicable government agencies to the extent required by the Bankruptcy Rules and the Bankruptcy Local Rules. The Debtor submits that no other or further notice need be provided.

7. The Debtor has also arranged for all parties in interest to attend these first day hearings via telephone through Court Call. A notice of telephonic hearing procedures has been included with this Motion.

WHEREFORE, PREMISES CONSIDERED, the Debtor respectfully requests that the Court to set these matters for hearing at 2:00 PM, on March 10, 2015, at the United States Bankruptcy Court, 1133 Shoreline Drive, Corpus Christi, Texas 78401, and for any additional and further relief, at equity or at law, to which they may show themselves to be justly entitled.

DATED this 9th day of March, 2015.

Respectfully submitted,

LANGLEY & BANACK, INC.

745 East Mulberry, Suite 900

San Antonio, Texas 78212

(210) 736-6600 [telephone]

(210) 735-6889 [facsimile]

By: /s/ R. Glen Ayers

R. GLEN AYERS, JR.

State Bar No. 01467500

DAVID S. GRAGG

Texas Bar No. 08253300

NATALIE F. WILSON

Texas Bar No. 24076779

PROPOSED ATTORNEYS FOR THE DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of March, 2015, a true and correct copy of the foregoing document was filed with the Court and served electronically upon those parties registered to receive electronic notice via the Court's CM/ECF system and upon the parties listed on the attached service list via United States First Class Mail, postage prepaid.

/s/ R. Glen Ayers
R. GLEN AYERS

Counsel for Collidus Capital Corporation

BRACEWELL & GIULIANI

Brad Benoit
Troy Wood
711 Louisiana St.
Houston, Texas 77002
713-223-2300 Ph
800-404-3970 Fax

DICKINSON WRIGHT

Thomas G. McNeill
Michael C. Hammer
Kristi A. Katsman
500 Woodward Ave, Ste 4000
Detroit, MI 48226
313-223-3500 Ph
313-223-3598 Fax

**JORDAN, HYDEN, WOMBLE,
CULBERTH & HOLZER, P.C**

Shelby A. Jordan
Peter Holzer
500 N. Shoreline Blvd., Ste 900
Corpus Christi, Texas 78401
361-884-5678 Ph
361-888-5555 Fax

US Trustee 606 N. Carancahua, Ste 1107 Corpus Christi, TX 78401	CC Distributors, Inc. 210 McBride Lane Corpus Christi, Texas 78408	American Longshore Mutual PO Box 934368 Atlanta, GA 31193
Frenkel & Co, Inc. 350 Hudson St. New York, NY 10014	Keppel Amfels 20000 State Hwy 48 Brownsville, Texas 78523	Vulcan Materials 10905 Ostos Rd Brownsville, Texas 78521
McAllister Towing & Transportation 17 Battery Place New York, NY 10004	Time Ins. Agency, Inc. 1405 E. Riverside Dr. Austin, Texas 78741	Flat Iron Capital 950 17 th St, Suite 1300 Denver, CO 80202
Texas Dept. of State Health Service 1100 W. 49 th St Austin, Texas 78756	South Coast Maritime Corp FM 802, Suite F Brownsville, Texas 78526	Westar Marine Services PO Box 78100 San Francisco, CA 94107
Greensfelder, Hemker & Gale, PC 10 S. Broadway, Suite 2000 St. Louis, MO 63102	Burton McCumber & Cortez 1950 Paredes Line Rd Brownsville, Texas 78523	Oil Patch Fuel & Supply, Inc PO Box 1089 Combes, Texas 78535
Anchor Marine & Ind Supply, Inc. PO Box 58645 Houston, Texas 77258	S&G Contractors 5601 N. Expressway Brownsville, Texas 78520	Air Liquide America Corp. PO Box 301046 Dallas, Texas 75303
K2 Castings One New Hampshire Ave Portsmouth, NH 03801	Esco Metals-Scrapdragon 6955 N. FM 511 Brownsville, Texas 78521	Esco Metals-Scrapdragon 2500 N. Hutto Rd. Donna, Texas 78537
Internal Revenue Service PO Box 7346 Philadelphia, PA 19101		

EXHIBIT "A"

COURTCALL TELEPHONIC APPEARANCE INSTRUCTIONS

1. Contact CourtCall at (866) 582-6878 no later than the business day prior to the hearing. Parties outside of the United States should call (310) 743-1849.
2. CourtCall will provide you with written confirmation of a telephonic appearance and provide a number to call to make the telephonic appearance.
3. It is your responsibility to dial into the call not later than 10 minutes prior to the scheduled hearing. CourtCall does not call you.
4. The Court discourages the use of cell phones or speakerphones. Please put your telephone on mute when not speaking.
5. Each time you speak, you must identify yourself for the record.
6. Parties participating by telephone are responsible for their own expenses and will be billed directly by CourtCall. The initial charge for this court conference appearance is \$25.00 and will be supplemented based upon the length of the call as follows: 0-45 minutes - \$25.00; 46-60 minutes - \$31.50; 61 minutes and above - an additional \$6.50 per each additional 15 minute increment.